

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

JEWISH FEDERATION OF METROPOLITAN
CHICAGO,

Plaintiff,

v.

BAYOU MANAGEMENT, LLC, SAMUEL ISRAEL, III,
DANIEL MARINO, BAYOU GROUP, LLC, BAYOU
SECURITIES, LLC, BAYOU ADVISORS, LLC, BAYOU
EQUITIES, LLC, BAYOU FUND, LLC, BAYOU SUPER
FUND, LLC, BAYOU NO LEVERAGE FUND, LLC,
BAYOU AFFILIATES FUND, LLC, BAYOU
ACCREDITED FUND, LLC, BAYOU OFFSHORE
FUND, LLC, BAYOU OFFSHORE FUND A, LTD,
BAYOU OFFSHORE FUND B, LTD, BAYOU
OFFSHORE FUND C, LTD, BAYOU OFFSHORE FUND
D, LTD, BAYOU OFFSHORE FUND E, LTD, BAYOU
OFFSHORE FUND F, LTD BAYOU OFFSHORE
MASTER FUND, LTD, and DOES 1-25, Inclusive,

Defendants.

Civil Action No. 3:05cv1401 (SRU)

23
September 24, 2005

**JEWISH FEDERATION OF METROPOLITAN CHICAGO'S
MOTION TO COMPEL DEPOSITION OF DEFENDANT SAMUEL ISRAEL, III**

Pursuant to Rule 37 of the Federal Rules of Civil Procedure, the Jewish Federation of Metropolitan Chicago (the "Federation" or "Plaintiff"), hereby seeks an order requiring the Defendant, Samuel Israel, III ("Israel") to appear for a deposition upon oral examination. This motion results from Israel's failure to appear for his properly noticed deposition on September 20, 2005. In further support of this Motion, the Federation states as follows:

1. On September 6, 2005, the Court issued a Ruling and Order permitting expedited discovery, including depositions on five (5) days' notice. See Affidavit of Kent D.B. Sinclair ("Sinclair Aff.") (attached hereto as Exhibit 1), at ¶ 4.

2. The Notice of Deposition for Israel's September 21, 2005 deposition was sent to Israel on September 12, 2005 and hand delivered by a process server on September 13, 2005.

See Sinclair Aff., at ¶ 5.

3. Israel's deposition was to begin at 9:30 a.m. on September 21, 2005 at the offices of Tyler Cooper & Alcorn, LLP in Stamford, Connecticut. As set forth more fully in the attached affidavit and deposition transcript, Israel did not appear for his deposition nor has counsel for the Federation received any communications from Israel, or anyone representing Israel, concerning his deposition. At 10:25 a.m., the undersigned counsel for the Federation went on the record to memorialize Israel's failure to attend the deposition. At 10:49 a.m. the deposition was suspended. *See* Sinclair Aff., at ¶ 6, Exh. D; Sinclair Aff. at ¶¶ 7-8.

Pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, the Court may compel Israel to appear for a deposition. Accordingly, the Federation seeks an order compelling Defendant Israel to appear for a deposition within five (5) business days of the issuance of the Order, and that his failure to attend the deposition shall result in the entry of a judgment by default pursuant to Rule 37(d) and Rule 37(b)(2)(C) of the Federal Rules of Civil Procedure.

A Proposed Order is attached for the Court's consideration.

JEWISH FEDERATION OF METROPOLITAN
CHICAGO,

By its attorneys,

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CERTIFICATE OF SERVICE

I, Kent D.B. Sinclair, hereby certify that on September 24, 2005, a true copy of the above document was served on Samuel Israel, III by hand at 52 Oregon Road, Bedford Corners, NY 10549 and on each other defendant by first-class mail, as set forth in the attached Service List.

Kent D.B. Sinclair

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MASTER FUND, LTD, and DOES 1-25, Inclusive,

Defendants.

Civil Action No. 3:05cv1401 (SRU)

/PROPOSED/ ORDER

The Plaintiff's Motion to Compel Deposition of Samuel Israel III is GRANTED.

Defendant Israel shall appear for a deposition within five (5) business days of the issuance of this Order, or any business day thereafter as set forth in a notice of deposition issued by the Plaintiff and served on Defendant Israel. Three (3) days' notice shall be deemed sufficient for the deposition.

It is so ordered.

Dated at Bridgeport, Connecticut this _____ day of _____, 2005.

Stefan R. Underhill
United States District Judge

Service List

*Jewish Federation of Metropolitan Chicago v. Bayou Management, LLC, et al.
D. CT – Case No.: 3:05cv1401 (SRU)*

Bayou Management, LLC:

Bayou Management, LLC
40 Signal Road
Stamford, CT 06902

Bayou Management, LLC
c/o Faust Rabbach & Oppenheim
488 Madison Avenue
New York, NY 10022

Bayou Management, LLC
c/o Connecticut Secretary of State
30 Trinity Street
Hartford, CT 06106

Bayou Management, LLC
c/o Samuel Israel, III
52 Oregon Road
Bedford Corners, NY 10549

Samuel Israel, III:

Samuel Israel, III
52 Oregon Road
Bedford Corners, NY 10549

Daniel Marino:

Andrew B. Bowman, Esq.
1804 Post Road East
Westport, CT 06880

Bayou Group, LLC:

Bayou Group, LLC
c/o National Registered Agents, Inc.
Alex Tighe
12 Old Boston Post Road
Old Saybrook, CT 06475

Service List (cont.)

*Jewish Federation of Metropolitan Chicago v. Bayou Management, LLC, et al.
D. CT – Case No.: 3:05cv1401 (SRU)*

Bayou Securities, LLC:

Bayou Securities, LLC
c/o Samuel Israel, III
52 Oregon Road
Bedford Corners, NY 10549

Bayou Securities, LLC
c/o Thomas J. Williams, Esq.
16 Ann Jin Drive
Greenwich, CT 06830

Bayou Securities, LLC
c/o Connecticut Secretary of State
30 Trinity Street
Hartford, CT 06106

Bayou Advisors, LLC:

Bayou Advisors, LLC
c/o Connecticut Secretary of State
30 Trinity Street
Hartford, CT 06106

Bayou Equities, LLC:

Bayou Equities, LLC
c/o Connecticut Secretary of State
30 Trinity Street
Hartford, CT 06106

Bayou Fund, LLC:

Bayou Fund, LLC
40 Signal Road
Stamford, CT 06902

Bayou Fund, LLC
c/o Samuel Israel, III
52 Oregon Road
Bedford Corners, NY 10549

Bayou Fund, LLC
c/o Connecticut Secretary of State
30 Trinity Street
Hartford, CT 06106

Bayou Super Fund, LLC:

Bayou Super Fund, LLC
c/o Connecticut Secretary of State
30 Trinity Street
Hartford, CT 06106

Service List (cont.)

Jewish Federation of Metropolitan Chicago v. Bayou Management, LLC, et al.
D. CT – Case No.: 3:05cv1401 (SRU)

Bayou No Leverage Fund, LLC:

Bayou No Leverage Fund, LLC
c/o Connecticut Secretary of State
30 Trinity Street
Hartford, CT 06106

Bayou Affiliates Fund, LLC:

Bayou Affiliates Fund, LLC
c/o Connecticut Secretary of State
30 Trinity Street
Hartford, CT 06106

Bayou Accredited Fund, LLC:

Bayou Accredited Fund, LLC
c/o Connecticut Secretary of State
30 Trinity Street
Hartford, CT 06106

Bayou Offshore Fund, LLC:

Bayou Offshore Fund, LLC
c/o Connecticut Secretary of State
30 Trinity Street
Hartford, CT 06106